

ESHB 2088 - S COMM AMD

By Committee on Natural Resources, Energy & Water

ADOPTED AS AMENDED 04/10/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 35.67.020 and 1997 c 447 s 8 are each amended to read
4 as follows:

5 (1) Every city and town may construct, condemn and purchase,
6 acquire, add to, maintain, conduct, and operate systems of sewerage and
7 systems and plants for refuse collection and disposal together with
8 additions, extensions, and betterments thereto, within and without its
9 limits(~~(, with)~~). Every city and town has full jurisdiction and
10 authority to manage, regulate, and control them and, except as provided
11 in subsection (3) of this section, to fix, alter, regulate, and control
12 the rates and charges for their use.

13 (2) Subject to subsection (3) of this section, the rates charged
14 under this section must be uniform for the same class of customers or
15 service and facilities furnished. In classifying customers served or
16 service and facilities furnished by such system of sewerage, the city
17 or town legislative body may in its discretion consider any or all of
18 the following factors:

19 ~~((1))~~ (a) The difference in cost of service and facilities to the
20 various customers;

21 ~~((2))~~ (b) The location of the various customers within and
22 without the city or town;

23 ~~((3))~~ (c) The difference in cost of maintenance, operation,
24 repair, and replacement of the various parts of the system;

25 ~~((4))~~ (d) The different character of the service and facilities
26 furnished various customers;

27 ~~((5))~~ (e) The quantity and quality of the sewage delivered and
28 the time of its delivery;

29 ~~((6))~~ (f) The achievement of water conservation goals and the
30 discouragement of wasteful water use practices;

1 ~~((7))~~ (g) Capital contributions made to the system, including but
2 not limited to, assessments;

3 ~~((8))~~ (h) The nonprofit public benefit status, as defined in RCW
4 24.03.490, of the land user; and

5 ~~((9))~~ (i) Any other matters which present a reasonable difference
6 as a ground for distinction.

7 (3) The rate a city or town may charge under this section for storm
8 or surface water sewer systems or the portion of the rate allocable to
9 the storm or surface water sewer system of combined sanitary sewage and
10 storm or surface water sewer systems shall be reduced by a minimum of
11 ten percent for any new or remodeled commercial building that utilizes
12 a permissive rainwater harvesting system. Rainwater harvesting systems
13 shall be properly sized to utilize the available roof surface of the
14 building. The jurisdiction shall consider rate reductions in excess of
15 ten percent dependent upon the amount of rainwater harvested.

16 (4) Rates or charges for on-site inspection and maintenance
17 services may not be imposed under this chapter on the development,
18 construction, or reconstruction of property.

19 (5) A city or town may provide assistance to aid low-income persons
20 in connection with services provided under this chapter.

21 (6) Under this chapter, after July 1, 1998, any requirements for
22 pumping the septic tank of an on-site sewage system should be based,
23 among other things, on actual measurement of accumulation of sludge and
24 scum by a trained inspector, trained owner's agent, or trained owner.
25 Training must occur in a program approved by the state board of health
26 or by a local health officer.

27 (7) Before adopting on-site inspection and maintenance utility
28 services, or incorporating residences into an on-site inspection and
29 maintenance or sewer utility under this chapter, notification must be
30 provided, prior to the applicable public hearing, to all residences
31 within the proposed service area that have on-site systems permitted by
32 the local health officer. The notice must clearly state that the
33 residence is within the proposed service area and must provide
34 information on estimated rates or charges that may be imposed for the
35 service.

36 (8) A city or town shall not provide on-site sewage system
37 inspection, pumping services, or other maintenance or repair services

1 under this section using city or town employees unless the on-site
2 system is connected by a publicly owned collection system to the city
3 or town's sewerage system, and the on-site system represents the first
4 step in the sewage disposal process. Nothing in this section shall
5 affect the authority of state or local health officers to carry out
6 their responsibilities under any other applicable law.

7 **Sec. 2.** RCW 35.92.020 and 1997 c 447 s 9 are each amended to read
8 as follows:

9 (1) A city or town may construct, condemn and purchase, purchase,
10 acquire, add to, alter, maintain, and operate systems, plants, sites,
11 or other facilities of sewerage as defined in RCW 35.67.010, or solid
12 waste handling as defined by RCW 70.95.030(~~(, and)~~). A city or town
13 shall have full authority to manage, regulate, operate, control, and,
14 except as provided in subsection (3) of this section, to fix the price
15 of service and facilities of those systems, plants, sites, or other
16 facilities within and without the limits of the city or town.

17 (2) Subject to subsection (3) of this section, the rates charged
18 shall be uniform for the same class of customers or service and
19 facilities. In classifying customers served or service and facilities
20 furnished by a system or systems of sewerage, the legislative authority
21 of the city or town may in its discretion consider any or all of the
22 following factors:

23 ~~((1))~~ (a) The difference in cost of service and facilities to
24 customers;

25 ~~((2))~~ (b) The location of customers within and without the city
26 or town;

27 ~~((3))~~ (c) The difference in cost of maintenance, operation,
28 repair, and replacement of the parts of the system;

29 ~~((4))~~ (d) The different character of the service and facilities
30 furnished to customers;

31 ~~((5))~~ (e) The quantity and quality of the sewage delivered and
32 the time of its delivery;

33 ~~((6))~~ (f) Capital contributions made to the systems, plants,
34 sites, or other facilities, including but not limited to, assessments;

35 ~~((7))~~ (g) The nonprofit public benefit status, as defined in RCW
36 24.03.490, of the land user; and

1 ~~((+8))~~ (h) Any other factors that present a reasonable difference
2 as a ground for distinction.

3 (3) The rate a city or town may charge under this section for storm
4 or surface water sewer systems or the portion of the rate allocable to
5 the storm or surface water sewer system of combined sanitary sewage and
6 storm or surface water sewer systems shall be reduced by a minimum of
7 ten percent for any new or remodeled commercial building that utilizes
8 a permissive rainwater harvesting system. Rainwater harvesting systems
9 shall be properly sized to utilize the available roof surface of the
10 building. The jurisdiction shall consider rate reductions in excess of
11 ten percent dependent upon the amount of rainwater harvested.

12 (4) Rates or charges for on-site inspection and maintenance
13 services may not be imposed under this chapter on the development,
14 construction, or reconstruction of property.

15 (5) A city or town may provide assistance to aid low-income persons
16 in connection with services provided under this chapter.

17 (6) Under this chapter, after July 1, 1998, any requirements for
18 pumping the septic tank of an on-site sewage system should be based,
19 among other things, on actual measurement of accumulation of sludge and
20 scum by a trained inspector, trained owner's agent, or trained owner.
21 Training must occur in a program approved by the state board of health
22 or by a local health officer.

23 (7) Before adopting on-site inspection and maintenance utility
24 services, or incorporating residences into an on-site inspection and
25 maintenance or sewer utility under this chapter, notification must be
26 provided, prior to the applicable public hearing, to all residences
27 within the proposed service area that have on-site systems permitted by
28 the local health officer. The notice must clearly state that the
29 residence is within the proposed service area and must provide
30 information on estimated rates or charges that may be imposed for the
31 service.

32 (8) A city or town shall not provide on-site sewage system
33 inspection, pumping services, or other maintenance or repair services
34 under this section using city or town employees unless the on-site
35 system is connected by a publicly owned collection system to the city
36 or town's sewerage system, and the on-site system represents the first

1 step in the sewage disposal process. Nothing in this section shall
2 affect the authority of state or local health officers to carry out
3 their responsibilities under any other applicable law.

4 **Sec. 3.** RCW 36.89.080 and 1998 c 74 s 1 are each amended to read
5 as follows:

6 (1) Subject to subsections (2) and (3) of this section, any county
7 legislative authority may provide by resolution for revenues by fixing
8 rates and charges for the furnishing of service to those served or
9 receiving benefits or to be served or to receive benefits from any
10 storm water control facility or contributing to an increase of surface
11 water runoff. In fixing rates and charges, the county legislative
12 authority may in its discretion consider:

- 13 ~~((+1))~~ (a) Services furnished or to be furnished;
- 14 ~~((+2))~~ (b) Benefits received or to be received;
- 15 ~~((+3))~~ (c) The character and use of land or its water runoff
16 characteristics;
- 17 ~~((+4))~~ (d) The nonprofit public benefit status, as defined in RCW
18 24.03.490, of the land user;
- 19 ~~((+5))~~ (e) Income level of persons served or provided benefits
20 under this chapter, including senior citizens and disabled persons; or
- 21 ~~((+6))~~ (f) Any other matters which present a reasonable difference
22 as a ground for distinction.

23 (2) The rate a county may charge under this section for storm water
24 control facilities shall be reduced by a minimum of ten percent for any
25 new or remodeled commercial building that utilizes a permissive
26 rainwater harvesting system. Rainwater harvesting systems shall be
27 properly sized to utilize the available roof surface of the building.
28 The jurisdiction shall consider rate reductions in excess of ten
29 percent dependent upon the amount of rainwater harvested.

30 (3) Rates and charges authorized under this section may not be
31 imposed on lands taxed as forest land under chapter 84.33 RCW or as
32 timber land under chapter 84.34 RCW.

33 (4) The service charges and rates collected shall be deposited in
34 a special fund or funds in the county treasury to be used only for the
35 purpose of paying all or any part of the cost and expense of
36 maintaining and operating storm water control facilities, all or any

1 part of the cost and expense of planning, designing, establishing,
2 acquiring, developing, constructing and improving any of such
3 facilities, or to pay or secure the payment of all or any portion of
4 any issue of general obligation or revenue bonds issued for such
5 purpose.

6 **Sec. 4.** RCW 36.94.140 and 1997 c 447 s 12 are each amended to read
7 as follows:

8 (1) Every county, in the operation of a system of sewerage and/or
9 water, shall have full jurisdiction and authority to manage, regulate,
10 and control it ~~((and))~~. Except as provided in subsection (3) of this
11 section, every county shall have full jurisdiction and authority to
12 fix, alter, regulate, and control the rates and charges for the service
13 and facilities to those to whom such service and facilities are
14 available, and to levy charges for connection to the system.

15 (2) The rates for availability of service and facilities, and
16 connection charges so charged must be uniform for the same class of
17 customers or service and facility. In classifying customers served,
18 service furnished or made available by such system of sewerage and/or
19 water, or the connection charges, the county legislative authority may
20 consider any or all of the following factors:

21 ~~((+1))~~ (a) The difference in cost of service to the various
22 customers within or without the area;

23 ~~((+2))~~ (b) The difference in cost of maintenance, operation,
24 repair and replacement of the various parts of the systems;

25 ~~((+3))~~ (c) The different character of the service and facilities
26 furnished various customers;

27 ~~((+4))~~ (d) The quantity and quality of the sewage and/or water
28 delivered and the time of its delivery;

29 ~~((+5))~~ (e) Capital contributions made to the system or systems,
30 including, but not limited to, assessments;

31 ~~((+6))~~ (f) The cost of acquiring the system or portions of the
32 system in making system improvements necessary for the public health
33 and safety;

34 ~~((+7))~~ (g) The nonprofit public benefit status, as defined in RCW
35 24.03.490, of the land user; and

1 ~~((+8))~~ (h) Any other matters which present a reasonable difference
2 as a ground for distinction.

3 (3) The rate a county may charge under this section for storm or
4 surface water sewer systems or the portion of the rate allocable to the
5 storm or surface water sewer system of combined sanitary sewage and
6 storm or surface water sewer systems shall be reduced by a minimum of
7 ten percent for any new or remodeled commercial building that utilizes
8 a permissive rainwater harvesting system. Rainwater harvesting systems
9 shall be properly sized to utilize the available roof surface of the
10 building. The jurisdiction shall consider rate reductions in excess of
11 ten percent dependent upon the amount of rainwater harvested.

12 (4) A county may provide assistance to aid low-income persons in
13 connection with services provided under this chapter.

14 (5) The service charges and rates shall produce revenues sufficient
15 to take care of the costs of maintenance and operation, revenue bond
16 and warrant interest and principal amortization requirements, and all
17 other charges necessary for the efficient and proper operation of the
18 system.

19 **Sec. 5.** RCW 57.08.005 and 1999 c 153 s 2 are each amended to read
20 as follows:

21 A district shall have the following powers:

22 (1) To acquire by purchase or condemnation, or both, all lands,
23 property and property rights, and all water and water rights, both
24 within and without the district, necessary for its purposes. The right
25 of eminent domain shall be exercised in the same manner and by the same
26 procedure as provided for cities and towns, insofar as consistent with
27 this title, except that all assessment or reassessment rolls to be
28 prepared and filed by eminent domain commissioners or commissioners
29 appointed by the court shall be prepared and filed by the district, and
30 the duties devolving upon the city treasurer are imposed upon the
31 county treasurer;

32 (2) To lease real or personal property necessary for its purposes
33 for a term of years for which that leased property may reasonably be
34 needed;

35 (3) To construct, condemn and purchase, add to, maintain, and
36 supply waterworks to furnish the district and inhabitants thereof and

1 any other persons, both within and without the district, with an ample
2 supply of water for all uses and purposes public and private with full
3 authority to regulate and control the use, content, distribution, and
4 price thereof in such a manner as is not in conflict with general law
5 and may construct, acquire, or own buildings and other necessary
6 district facilities. Where a customer connected to the district's
7 system uses the water on an intermittent or transient basis, a district
8 may charge for providing water service to such a customer, regardless
9 of the amount of water, if any, used by the customer. District
10 waterworks may include facilities which result in combined water supply
11 and electric generation, if the electricity generated thereby is a
12 byproduct of the water supply system. That electricity may be used by
13 the district or sold to any entity authorized by law to use or
14 distribute electricity. Electricity is deemed a byproduct when the
15 electrical generation is subordinate to the primary purpose of water
16 supply. For such purposes, a district may take, condemn and purchase,
17 acquire, and retain water from any public or navigable lake, river or
18 watercourse, or any underflowing water, and by means of aqueducts or
19 pipeline conduct the same throughout the district and any city or town
20 therein and carry it along and upon public highways, roads, and
21 streets, within and without such district. For the purpose of
22 constructing or laying aqueducts or pipelines, dams, or waterworks or
23 other necessary structures in storing and retaining water or for any
24 other lawful purpose such district may occupy the beds and shores up to
25 the high water mark of any such lake, river, or other watercourse, and
26 may acquire by purchase or condemnation such property or property
27 rights or privileges as may be necessary to protect its water supply
28 from pollution. For the purposes of waterworks which include
29 facilities for the generation of electricity as a byproduct, nothing in
30 this section may be construed to authorize a district to condemn
31 electric generating, transmission, or distribution rights or facilities
32 of entities authorized by law to distribute electricity, or to acquire
33 such rights or facilities without the consent of the owner;

34 (4) To purchase and take water from any municipal corporation,
35 private person, or entity. A district contiguous to Canada may
36 contract with a Canadian corporation for the purchase of water and for
37 the construction, purchase, maintenance, and supply of waterworks to

1 furnish the district and inhabitants thereof and residents of Canada
2 with an ample supply of water under the terms approved by the board of
3 commissioners;

4 (5) To construct, condemn and purchase, add to, maintain, and
5 operate systems of sewers for the purpose of furnishing the district,
6 the inhabitants thereof, and persons outside the district with an
7 adequate system of sewers for all uses and purposes, public and
8 private, including but not limited to on-site sewage disposal
9 facilities, approved septic tanks or approved septic tank systems, on-
10 site sanitary sewerage systems, inspection services and maintenance
11 services for private and public on-site systems, point and nonpoint
12 water pollution monitoring programs that are directly related to the
13 sewerage facilities and programs operated by a district, other
14 facilities, programs, and systems for the collection, interception,
15 treatment, and disposal of wastewater, and for the control of pollution
16 from wastewater with full authority to regulate the use and operation
17 thereof and the service rates to be charged. Under this chapter, after
18 July 1, 1998, any requirements for pumping the septic tank of an on-
19 site sewage system should be based, among other things, on actual
20 measurement of accumulation of sludge and scum by a trained inspector,
21 trained owner's agent, or trained owner. Training must occur in a
22 program approved by the state board of health or by a local health
23 officer. Sewage facilities may include facilities which result in
24 combined sewage disposal or treatment and electric generation, except
25 that the electricity generated thereby is a byproduct of the system of
26 sewers. Such electricity may be used by the district or sold to any
27 entity authorized by law to distribute electricity. Electricity is
28 deemed a byproduct when the electrical generation is subordinate to the
29 primary purpose of sewage disposal or treatment. For such purposes a
30 district may conduct sewage throughout the district and throughout
31 other political subdivisions within the district, and construct and lay
32 sewer pipe along and upon public highways, roads, and streets, within
33 and without the district, and condemn and purchase or acquire land and
34 rights of way necessary for such sewer pipe. A district may erect
35 sewage treatment plants within or without the district, and may
36 acquire, by purchase or condemnation, properties or privileges
37 necessary to be had to protect any lakes, rivers, or watercourses and

1 also other areas of land from pollution from its sewers or its sewage
2 treatment plant. For the purposes of sewage facilities which include
3 facilities that result in combined sewage disposal or treatment and
4 electric generation where the electric generation is a byproduct,
5 nothing in this section may be construed to authorize a district to
6 condemn electric generating, transmission, or distribution rights or
7 facilities of entities authorized by law to distribute electricity, or
8 to acquire such rights or facilities without the consent of the owners;

9 (6)(a) To construct, condemn and purchase, add to, maintain, and
10 operate systems of drainage for the benefit and use of the district,
11 the inhabitants thereof, and persons outside the district with an
12 adequate system of drainage, including but not limited to facilities
13 and systems for the collection, interception, treatment, and disposal
14 of storm or surface waters, and for the protection, preservation, and
15 rehabilitation of surface and underground waters, and drainage
16 facilities for public highways, streets, and roads, with full authority
17 to regulate the use and operation thereof and, except as provided in
18 (b) of this subsection, the service rates to be charged.

19 (b) The rate a district may charge under this section for storm or
20 surface water sewer systems or the portion of the rate allocable to the
21 storm or surface water sewer system of combined sanitary sewage and
22 storm or surface water sewer systems shall be reduced by a minimum of
23 ten percent for any new or remodeled commercial building that utilizes
24 a permissive rainwater harvesting system. Rainwater harvesting systems
25 shall be properly sized to utilize the available roof surface of the
26 building. The jurisdiction shall consider rate reductions in excess of
27 ten percent dependent upon the amount of rainwater harvested.

28 (c) Drainage facilities may include natural systems. Drainage
29 facilities may include facilities which result in combined drainage
30 facilities and electric generation, except that the electricity
31 generated thereby is a byproduct of the drainage system. Such
32 electricity may be used by the district or sold to any entity
33 authorized by law to distribute electricity. Electricity is deemed a
34 byproduct when the electrical generation is subordinate to the primary
35 purpose of drainage collection, disposal, and treatment. For such
36 purposes, a district may conduct storm or surface water throughout the
37 district and throughout other political subdivisions within the

1 district, construct and lay drainage pipe and culverts along and upon
2 public highways, roads, and streets, within and without the district,
3 and condemn and purchase or acquire land and rights of way necessary
4 for such drainage systems. A district may provide or erect facilities
5 and improvements for the treatment and disposal of storm or surface
6 water within or without the district, and may acquire, by purchase or
7 condemnation, properties or privileges necessary to be had to protect
8 any lakes, rivers, or watercourses and also other areas of land from
9 pollution from storm or surface waters. For the purposes of drainage
10 facilities which include facilities that also generate electricity as
11 a byproduct, nothing in this section may be construed to authorize a
12 district to condemn electric generating, transmission, or distribution
13 rights or facilities of entities authorized by law to distribute
14 electricity, or to acquire such rights or facilities without the
15 consent of the owners;

16 (7) To construct, condemn, acquire, and own buildings and other
17 necessary district facilities;

18 (8) To compel all property owners within the district located
19 within an area served by the district's system of sewers to connect
20 their private drain and sewer systems with the district's system under
21 such penalty as the commissioners shall prescribe by resolution. The
22 district may for such purpose enter upon private property and connect
23 the private drains or sewers with the district system and the cost
24 thereof shall be charged against the property owner and shall be a lien
25 upon property served;

26 (9) Where a district contains within its borders, abuts, or is
27 located adjacent to any lake, stream, ground water as defined by RCW
28 90.44.035, or other waterway within the state of Washington, to provide
29 for the reduction, minimization, or elimination of pollutants from
30 those waters in accordance with the district's comprehensive plan, and
31 to issue general obligation bonds, revenue bonds, local improvement
32 district bonds, or utility local improvement bonds for the purpose of
33 paying all or any part of the cost of reducing, minimizing, or
34 eliminating the pollutants from these waters;

35 (10) Subject to subsection (6) of this section, to fix rates and
36 charges for water, sewer, and drain service supplied and to charge
37 property owners seeking to connect to the district's systems, as a

1 condition to granting the right to so connect, in addition to the cost
2 of the connection, such reasonable connection charge as the board of
3 commissioners shall determine to be proper in order that those property
4 owners shall bear their equitable share of the cost of the system. For
5 the purposes of calculating a connection charge, the board of
6 commissioners shall determine the pro rata share of the cost of
7 existing facilities and facilities planned for construction within the
8 next ten years and contained in an adopted comprehensive plan and other
9 costs borne by the district which are directly attributable to the
10 improvements required by property owners seeking to connect to the
11 system. The cost of existing facilities shall not include those
12 portions of the system which have been donated or which have been paid
13 for by grants. The connection charge may include interest charges
14 applied from the date of construction of the system until the
15 connection, or for a period not to exceed ten years, whichever is
16 shorter, at a rate commensurate with the rate of interest applicable to
17 the district at the time of construction or major rehabilitation of the
18 system, or at the time of installation of the lines to which the
19 property owner is seeking to connect. A district may permit payment of
20 the cost of connection and the reasonable connection charge to be paid
21 with interest in installments over a period not exceeding fifteen
22 years. The county treasurer may charge and collect a fee of three
23 dollars for each year for the treasurer's services. Those fees shall
24 be a charge to be included as part of each annual installment, and
25 shall be credited to the county current expense fund by the county
26 treasurer. Revenues from connection charges excluding permit fees are
27 to be considered payments in aid of construction as defined by
28 department of revenue rule. Rates or charges for on-site inspection
29 and maintenance services may not be imposed under this chapter on the
30 development, construction, or reconstruction of property.

31 Before adopting on-site inspection and maintenance utility
32 services, or incorporating residences into an on-site inspection and
33 maintenance or sewer utility under this chapter, notification must be
34 provided, prior to the applicable public hearing, to all residences
35 within the proposed service area that have on-site systems permitted by
36 the local health officer. The notice must clearly state that the

1 residence is within the proposed service area and must provide
2 information on estimated rates or charges that may be imposed for the
3 service.

4 A water-sewer district shall not provide on-site sewage system
5 inspection, pumping services, or other maintenance or repair services
6 under this section using water-sewer district employees unless the on-
7 site system is connected by a publicly owned collection system to the
8 water-sewer district's sewerage system, and the on-site system
9 represents the first step in the sewage disposal process.

10 Except as otherwise provided in RCW 90.03.525, any public entity
11 and public property, including the state of Washington and state
12 property, shall be subject to rates and charges for sewer, water, storm
13 water control, drainage, and street lighting facilities to the same
14 extent private persons and private property are subject to those rates
15 and charges that are imposed by districts. In setting those rates and
16 charges, consideration may be made of in-kind services, such as stream
17 improvements or donation of property;

18 (11) To contract with individuals, associations and corporations,
19 the state of Washington, and the United States;

20 (12) To employ such persons as are needed to carry out the
21 district's purposes and fix salaries and any bond requirements for
22 those employees;

23 (13) To contract for the provision of engineering, legal, and other
24 professional services as in the board of commissioner's discretion is
25 necessary in carrying out their duties;

26 (14) To sue and be sued;

27 (15) To loan and borrow funds and to issue bonds and instruments
28 evidencing indebtedness under chapter 57.20 RCW and other applicable
29 laws;

30 (16) To transfer funds, real or personal property, property
31 interests, or services subject to RCW 57.08.015;

32 (17) To levy taxes in accordance with this chapter and chapters
33 57.04 and 57.20 RCW;

34 (18) To provide for making local improvements and to levy and
35 collect special assessments on property benefitted thereby, and for
36 paying for the same or any portion thereof in accordance with chapter
37 57.16 RCW;

1 (19) To establish street lighting systems under RCW 57.08.060;

2 (20) To exercise such other powers as are granted to water-sewer
3 districts by this title or other applicable laws; and

4 (21) To exercise any of the powers granted to cities and counties
5 with respect to the acquisition, construction, maintenance, operation
6 of, and fixing rates and charges for waterworks and systems of sewerage
7 and drainage.

8 **Sec. 6.** RCW 57.08.081 and 1999 c 153 s 11 are each amended to read
9 as follows:

10 (1) Subject to RCW 57.08.005(6), the commissioners of any district
11 shall provide for revenues by fixing rates and charges for furnishing
12 sewer and drainage service and facilities to those to whom service is
13 available or for providing water, such rates and charges to be fixed as
14 deemed necessary by the commissioners, so that uniform charges will be
15 made for the same class of customer or service and facility. Rates and
16 charges may be combined for the furnishing of more than one type of
17 sewer or drainage service and facilities.

18 (2) In classifying customers of such water, sewer, or drainage
19 system, the board of commissioners may in its discretion consider any
20 or all of the following factors: The difference in cost to various
21 customers; the location of the various customers within and without the
22 district; the difference in cost of maintenance, operation, repair, and
23 replacement of the various parts of the system; the different character
24 of the service furnished various customers; the quantity and quality of
25 the service and facility furnished; the time of its use; the
26 achievement of water conservation goals and the discouragement of
27 wasteful practices; capital contributions made to the system including
28 but not limited to assessments; and any other matters which present a
29 reasonable difference as a ground for distinction. Rates shall be
30 established as deemed proper by the commissioners and as fixed by
31 resolution and shall produce revenues sufficient to take care of the
32 costs of maintenance and operation, revenue bond and warrant interest
33 and principal amortization requirements, and all other charges
34 necessary for efficient and proper operation of the system. Prior to
35 furnishing services, a district may require a deposit to guarantee

1 payment for services. However, failure to require a deposit does not
2 affect the validity of any lien authorized by this section.

3 (3) The commissioners shall enforce collection of connection
4 charges, and rates and charges for water supplied against property
5 owners connecting with the system or receiving such water, and for
6 sewer and drainage services charged against property to which and its
7 owners to whom the service is available, such charges being deemed
8 charges against the property served, by addition of penalties of not
9 more than ten percent thereof in case of failure to pay the charges at
10 times fixed by resolution. The commissioners may provide by resolution
11 that where either connection charges or rates and charges for services
12 supplied are delinquent for any specified period of time, the district
13 shall certify the delinquencies to the auditor of the county in which
14 the real property is located, and the charges and any penalties added
15 thereto and interest thereon at the rate of not more than the prime
16 lending rate of the district's bank plus four percentage points per
17 year shall be a lien against the property upon which the service was
18 received, subject only to the lien for general taxes.

19 (4) The district may, at any time after the connection charges or
20 rates and charges for services supplied or available and penalties are
21 delinquent for a period of sixty days, bring suit in foreclosure by
22 civil action in the superior court of the county in which the real
23 property is located. The court may allow, in addition to the costs and
24 disbursements provided by statute, attorneys' fees, title search and
25 report costs, and expenses as it adjudges reasonable. The action shall
26 be in rem, and may be brought in the name of the district against an
27 individual or against all of those who are delinquent in one action.
28 The laws and rules of the court shall control as in other civil
29 actions.

30 (5) In addition to the right to foreclose provided in this section,
31 the district may also cut off all or part of the service after charges
32 for water or sewer service supplied or available are delinquent for a
33 period of thirty days.

34 (6) A district may determine how to apply partial payments on past
35 due accounts.

36 (7) A district may provide a real property owner or the owner's
37 designee with duplicate bills for service to tenants, or may notify an

1 owner or the owner's designee that a tenant's service account is
2 delinquent. However, if an owner or the owner's designee notifies the
3 district in writing that a property served by the district is a rental
4 property, asks to be notified of a tenant's delinquency, and has
5 provided, in writing, a complete and accurate mailing address, the
6 district shall notify the owner or the owner's designee of a tenant's
7 delinquency at the same time and in the same manner the district
8 notifies the tenant of the tenant's delinquency or by mail. When a
9 district provides a real property owner or the owner's designee with
10 duplicates of tenant utility service bills or notice that a tenant's
11 utility account is delinquent, the district shall notify the tenant
12 that it is providing the duplicate bills or delinquency notice to the
13 owner or the owner's designee. After January 1, 1999, if a district
14 fails to notify the owner of a tenant's delinquency after receiving a
15 written request to do so and after receiving the other information
16 required by this subsection (7), the district shall have no lien
17 against the premises for the tenant's delinquent and unpaid charges.

18 **Sec. 7.** RCW 84.33.210 and 2001 c 249 s 6 are each amended to read
19 as follows:

20 (1) Any land that is designated as forest land under this chapter
21 at the earlier of the times the legislative authority of a local
22 government adopts a resolution, ordinance, or legislative act (a) to
23 create a local improvement district, in which the land is included or
24 would have been included but for the designation, or (b) to approve or
25 confirm a final special benefit assessment roll relating to a sanitary
26 or storm sewerage system, domestic water supply or distribution system,
27 or road construction or improvement, which roll would have included the
28 land but for the designation, shall be exempt from special benefit
29 assessments ~~((or))~~, charges in lieu of assessment, or rates and charges
30 for storm water control facilities under RCW 36.89.080 for such
31 purposes as long as that land remains designated as forest land, except
32 as otherwise provided in RCW 84.33.250.

33 (2) Whenever a local government creates a local improvement
34 district, the levying, collection, and enforcement of assessments shall
35 be in the manner and subject to the same procedures and limitations as
36 are provided under the law concerning the initiation and formation of

1 local improvement districts for the particular local government.
2 Notice of the creation of a local improvement district that includes
3 designated forest land shall be filed with the assessor and the
4 legislative authority of the county in which the land is located. The
5 assessor, upon receiving notice of the creation of a local improvement
6 district, shall send a notice to the owners of the designated forest
7 lands listed on the tax rolls of the applicable treasurer of:

- 8 (a) The creation of the local improvement district;
- 9 (b) The exemption of that land from special benefit assessments;
- 10 (c) The fact that the designated forest land may become subject to
11 the special benefit assessments if the owner waives the exemption by
12 filing a notarized document with the governing body of the local
13 government creating the local improvement district before the
14 confirmation of the final special benefit assessment roll; and
- 15 (d) The potential liability, pursuant to RCW 84.33.220, if the
16 exemption is not waived and the land is subsequently removed from
17 designated forest land status.

18 (3) When a local government approves and confirms a special benefit
19 assessment roll, from which designated forest land has been exempted
20 under this section, it shall file a notice of this action with the
21 assessor and the legislative authority of the county in which the land
22 is located and with the treasurer of that local government. The notice
23 shall describe the action taken, the type of improvement involved, the
24 land exempted, and the amount of the special benefit assessment that
25 would have been levied against the land if it had not been exempted.
26 The filing of the notice with the assessor and the treasurer of that
27 local government shall constitute constructive notice to a purchaser or
28 encumbrancer of the affected land, and every person whose conveyance or
29 encumbrance is subsequently executed or subsequently recorded, that the
30 exempt land is subject to the charges provided in RCW 84.33.220 and
31 84.33.230, if the land is removed from its designation as forest land.

32 (4) The owner of the land exempted from special benefit assessments
33 under this section may waive that exemption by filing a notarized
34 document to that effect with the legislative authority of the local
35 government upon receiving notice from said local government concerning
36 the assessment roll hearing and before the local government confirms

1 the final special benefit assessment roll. A copy of that waiver shall
2 be filed by the local government with the assessor, but the failure to
3 file this copy shall not affect the waiver.

4 (5) Except to the extent provided in RCW 84.33.250, the local
5 government shall have no duty to furnish service from the improvement
6 financed by the special benefit assessment to the exempted land.

7 **Sec. 8.** RCW 86.15.160 and 1986 c 278 s 60 are each amended to read
8 as follows:

9 For the purposes of this chapter the supervisors may authorize:

10 (1) An annual excess ad valorem tax levy within any zone or
11 participating zones when authorized by the voters of the zone or
12 participating zones under RCW 84.52.052 and 84.52.054;

13 (2) An assessment upon property, including state property,
14 specially benefited by flood control improvements or storm water
15 control improvements imposed under chapter 86.09 RCW;

16 (3) Within any zone or participating zones an annual ad valorem
17 property tax levy of not to exceed fifty cents per thousand dollars of
18 assessed value when the levy will not take dollar rates that other
19 taxing districts may lawfully claim and that will not cause the
20 combined levies to exceed the constitutional and/or statutory
21 limitations, and the additional levy, or any portion thereof, may also
22 be made when dollar rates of other taxing units is released therefor by
23 agreement with the other taxing units from their authorized levies;

24 (4) A charge, under RCW 36.89.080, for the furnishing of service to
25 those who are receiving or will receive benefits from storm water
26 control facilities and who are contributing to an increase in surface
27 water runoff. The rate or charge imposed under this section shall be
28 reduced by a minimum of ten percent for any new or remodeled commercial
29 building that utilizes a permissive rainwater harvesting system.
30 Rainwater harvesting systems shall be properly sized to utilize the
31 available roof surface of the building. The jurisdiction shall
32 consider rate reductions in excess of ten percent dependent upon the
33 amount of rainwater harvested;

34 (5) Except as otherwise provided in RCW 90.03.525, any public
35 entity and public property, including the state and state property,
36 shall be liable for the charges to the same extent a private person and

1 privately owned property is liable for the charges, and in setting
2 these rates and charges, consideration may be made of in-kind services,
3 such as stream improvements or donation of property;

4 ~~((5))~~ (6) The creation of local improvement districts and utility
5 local improvement districts, the issuance of improvement district bonds
6 and warrants, and the imposition, collection, and enforcement of
7 special assessments on all property, including any state-owned or other
8 publicly-owned property, specially benefited from improvements in the
9 same manner as provided for counties by chapter 36.94 RCW."

ESHB 2088 - S COMM AMD

By Committee on Natural Resources, Energy & Water

ADOPTED AS AMENDED 04/10/2003

10 On page 1, line 1 of the title, after "charges;" strike the
11 remainder of the title and insert "and amending RCW 35.67.020,
12 35.92.020, 36.89.080, 36.94.140, 57.08.005, 57.08.081, 84.33.210, and
13 86.15.160."

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